

Remarks

Claims 1-9, 11-13, 15-24, 26-28 and 30-34 were pending in this application prior to this response. All pending claims were rejected. Claim 31 has been cancelled herein. New claim 35 has been added and does not add new matter to the application. Reconsideration of all rejected claims is requested.

I. Rejection of Claims 1, 4, 9, 11-17, 20-24, 26-28, 30, 33, 34 and 35 Under 35 U.S.C. §103(a)

Claims 1, 4, 9, 11-17, 20-24, 26-28, 30, 33, 34 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurstein et al. (5,870,791) in view of Barous, Palushi or Stewart.

It is noted that claim 31 was cancelled due to possible inconsistencies between the originally filed application and the subsequent listings of claims. Claim 31 as it appeared in subsequent listings of claims has been added as new claim 35. Thus, the rejection of cancelled claim 31 is applicable to new claim 35.

CLAIM 1

Claim 1 is reprinted as follows for convenience:

A wood floor edger comprising:

a first housing comprising a first opening, a second opening, a third opening, and a rotatable abrasive disc located proximate said first opening, said rotatable abrasive disc having a diameter greater than six inches;

a motor at least partially located in said second opening and drivingly connected to said abrasive disc;

a fan located in said first housing, said fan being drivingly connected to said motor; and

an air path extending between said first opening and said third opening by way of said fan.

The combination of Gurstein with Barous, Palushi or Stewart does not disclose many of the elements of claim 1. Barous, Palushi and Stewart all disclose vacuums to withdraw dust and debris from a sander or the like. However, these combinations do not disclose "an air path extending between said first opening and said third opening by way of said fan" as claimed in claim 1.

According to the office action, Gurstein discloses all the elements of claim 1 except a third opening or port in the first housing wherein an air path is defined between the third opening and the first opening by way of the fan. The office action further states that vacuum ports are known in the art as shown by Barous, Palushi and Stewart. The office action concludes that it would have been obvious to modify Gurstein with a port and a vacuum device as taught by anyone of Barous, Palushi and Stewart.

The applicants respectfully disagree with the office action. There would have not been any motivation to combine the fan of Gurstein with the vacuum ports of Barous, Palushi and Stewart. As set forth in claim 1, an air path extends between the first opening and the third opening by way of the fan. Accordingly, the fan may facilitate the removal of dust and debris from the area of the first housing. It is noted that the motor is located in the second opening of the first housing.

The fan (18) disclosed in Gurstein serves to cool the motor (8), which is described at column 5, lines 51-65 as follows:

Cooling fan 18 sucks air in through air inlet slots 24 and out under motor cover 22 through grooves 15, cooling both motor 8 and an upper surface of deck 14 while floor polisher 1 is in operation. The air flow is divided in two directions, along the top of deck 14 along grooves 15 under motor cover 22, and also straight down through cooling fan 18 through the fins of motor 8. The two directions of the air flow created by cooling fan 18 are shown by the

arrows A and B in FIG. 3. This cooling feature facilitates the cooling of motor 8 and the motor controller 25 which includes power factor correction means mounted on the reverse side of deck 14. This cooling system is of primary importance to the operation of floor polisher 1, as failure to adequately cool the motor controller 25 serving brushless D.C. or light weight motor 8 will quickly result in burnout of the controller.

Per the description of Gurstein, the fan (18) serves to cool the motor (8) by blowing air into the second opening, which blows air past the motor (8). Claim 1, on the other hand, has the fan located in an air path between the first opening and the third opening. Thus, the fan may facilitate the removal of dust and debris from the first housing. In order to modify Gurstein as suggested by the office action, one would have to include a third opening, which according to the cited art would be a vacuum port. Thus, the Gurstein device would have to include both a fan and a vacuum port.

In addition to the above-described modifications to Gurstein, the air flow associated with the fan would have to change. The air flow would be between the first port and the newly added vacuum port. There would be no air flow past the motor (8), which, according to the above-cited portion of Gurstein, "will quickly result in burnout of the controller." Therefore, the modification of Gurstein as suggested by the office action would not work. In addition, Gurstein teaches away from such a modification as it would result in failure of the device.

Based on the foregoing, the applicants contend that claim 1 is allowable and request reconsideration of the rejection.

CLAIMS 4, 9, 11-16, 20-24, 26-28, 30, 33, 34 and 35

Claims 4, 9, 11-16, 20-24, 26-28, 30, 33, 34 and 35 are deemed allowable by way of their dependence on allowable base claims and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 17

Claim 17 is independent and is reprinted as follows for convenience:

A wood floor edger comprising:

a first housing comprising a first opening, a second opening, a third opening, and a rotatable abrasive disc located adjacent said first opening;

a motor at least partially located in said second opening and drivingly connected to said abrasive disc;

a fan located in said first housing and proximate said third opening, said fan being drivingly connected to said motor;

an air path extending between said first opening and said third opening by way of said fan; and

a motor controller electrically connected to said motor;

wherein said motor is operatable at a speed that is preselected by said motor controller.

Claim 17 was rejected on the same grounds as claim 1. Therefore, the applicants incorporate the rebuttals to the rejections of claim 1 into this rebuttal. As set forth above, Gurstein teaches away from the proposed combination. Therefore, it would not have been obvious to combine Gurstein with Barous, Palushi or Stewart.

Based on the foregoing, the applicants request reconsideration of the rejection.

III. Rejection of Claims 2-8, 18-23, and 32 Under 35 U.S.C. §103(a)

Claims 2-8, 18-23, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurstein et al. (5,870,791) in view of McCutchen (6,540,598).


Claims 2-8, 18-23, and 32 are dependent on allowable base claims and are deemed allowable by way of their dependence and for other reasons. The applicants request reconsideration of the rejections.

In view of the above, all of the pending claims are now believed to be in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,
KLAAS, LAW, O'MEARA & MALKIN, P.C.

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By:


Robert W. Nelson
Reg. No. 37,898
1999 Broadway, Suite 2225
Denver, CO 80202
Tel: (303) 298-9888
Fax: (303) 297-2266